

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

FILED
U.S. DISTRICT COURT
INDIANAPOLIS DIVISION
11 MAY 20 PM 2:44
SOUTHERN DISTRICT
OF INDIANA
LAURA A. BRIGGS
CLERK

CHRISTOPHER GOEBEL, Plaintiff, v. SUESS & SANDLIN, P.C., Defendant.	CASE NO. 1:11-cv-0687 SEB-DML
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COMPLAINT

I. INTRODUCTION

1. This is an action for statutory and actual damages, costs of the action and a reasonable attorney's fee brought by Christopher Goebel for violation of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq., by Defendant.

II. JURISDICTION

2. Jurisdiction of this court arises under 15 U.S.C. § 1692k(d), 28 U.S.C. §§ 1331 and 1337.

III. PLAINTIFF

3. Plaintiff Christopher Goebel is a natural person residing in West Bend, Wisconsin.

IV. DEFENDANT

4. Defendant Suess & Sandlin, P.C. (hereinafter "Suess & Sandlin") is a for-profit professional corporation with its principal place of business in Indianapolis, Indiana.
5. At all times referenced herein, Suess & Sandlin was operating as a debt collector in the State of Indiana as defined by 15 U.S.C. § 1692a(6).

V. STATEMENT OF FACTS

6. Salem SK Realty, LLC owns Salem Courthouse Apartments.

7. On or about February 2, 2010, Plaintiff entered into a written lease with Salem SK Realty, LLC to rent an apartment at Salem Courthouse Apartments from March 1, 2010 to February 28, 2011.
8. On or about December 31, 2010, Plaintiff provided Salem Courthouse Apartments with a 60 DAY NOTICE OF INTENT TO VACATE stating that his move-out date would be February 28, 2011.
9. Salem Courthouse Apartments acknowledged and approved the February 28, 2011 move-out date in writing.
10. On or about April 8, 2011, Suess & Sandlin sent Plaintiff a letter demanding payment of an alleged debt owed by Plaintiff to Salem Courthouse Apartments in the amount of \$1,080; this letter also demanded payment of an attorney fee in the amount of \$300.
11. On or about May 9, 2011, Plaintiff sent a letter to Suess & Sandlin disputing that he owed the alleged debt to Salem Courthouse Apartments.
12. On or about May 10, 2011, Suess and Sandlin again sent Plaintiff a letter demanding payment of the debt allegedly owed by Plaintiff to Salem Courthouse Apartments in the amount of \$1,080; this letter also again demanded payment of an attorney fee in the amount of \$300.
13. Plaintiff does not owe Salem Courthouse Apartments \$1,080.
14. Suess and Sandlin had not incurred an attorney fee in the amount of \$300 as of April 8, 2011 or May 10, 2011.

VI. CLAIMS FOR RELIEF

A. Fair Debt Collection Practices Act

15. Plaintiff repeats, re-alleges and incorporates by reference paragraphs one through fourteen above.
16. Defendants violated the Fair Debt Collection Practices Act. These violations include, but are not limited to:
 - a. Falsely representing the amount of a debt (\$1,080 allegedly owed to Salem Courthouse Apartments), in violation of 15 U.S.C. § 1692e;
 - b. Falsely representing the amount and/or legal status of a debt (\$300 attorney fee), in violation of 15 U.S.C. § 1692e;
 - c. Attempting to collect an amount (\$1,080 allegedly owed to Salem Courthouse Apartments) not expressly authorized by the agreement creating the debt or permitted by law, in violation of 15 U.S.C. § 1692f;

- d. Attempting to collect an amount (\$300 attorney fee) not expressly authorized by the agreement creating the debt or permitted by law, in violation of 15 U.S.C. § 1692f.

17. As a result of these violations of the Fair Debt Collection Practices Act, Defendant is liable to Plaintiff for his actual damages, statutory damages, costs, attorney fees and all other appropriate relief.

WHEREFORE, Plaintiff respectfully requests that the Court enter judgment in his favor and against Defendant in an amount that will compensate him for his actual damages, statutory damages, costs, attorney fees and all other appropriate relief.

Respectfully submitted,



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